SUPREME COURT OF THE UNITED STATES

No. 206.—October Term, 1948.

Eugene M. Murphey, Jr., et al., Petitioners, *v.* M. T. Reed, et al., a Co-Partnership, doing business as M. T. Reed Construction Company.	Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit.

[November 15, 1948.]

Per Curiam.

The petition for writ of certiorari is granted. The judgments below are vacated and the case remanded to the District Court with instructions to dismiss those causes of action involving solely construction work, and to reconsider the remaining causes of action in the light of the decision of this Court in *Kennedy et al.* v. *Silas Mason Co.*, 334 U. S. 249.

Mr. Justice Rutledge is of the opinion that the case as a whole should be remanded to the District Court for further proceedings in view of the decision of this Court in *Kennedy et al.* v. *Silas Mason Co.*, 334 U. S. 249.

Mr. Justice Black, Mr. Justice Douglas and Mr. Justice Murphy dissent.